

## **Minutes for Sewer Commission Meeting of August 26, 2014**

Attendees: Carl Luck, Dave MacDonald, Mike Nault, Butch Bilotta, Troy Daniels

Meeting was opened by Carl Luck, at 7:02pm. It was held at the DPW as the Selectmen needed the Town Hall meeting room.

**SRF Project** –Carl noted that we'd received a short update from Kevin, that they are on schedule, and working on the application for SRF, that they have included the 768 West St. property, now part of the plan. When the resident of 768 West returns from vacation, he'll provide the response form. Commission discussed that by adding the one parcel, it equates to 3 betterments (4 apts.). Dave asked about the manhole on West for future expansion. Carl noted that it depends on the design. Commission discussed that since we had not heard from the other resident on West, that he would have to pursue connection as a private extension, like anyone else on West. It creates more of an issue anyway, as other impacted residents would need to be contacted. Dave stated that having the manhole on West St. is most important if we want future expansion.

**I/I Project status** – Carl stated that he and Barb have had a lot of discussion on the fining for these properties. We have 2 areas – those we have not had access to and illegal connections. We have not yet sent out the fines which will be effective 7/19/14. Troy provided his handout dated 8/25/14, entitled 'Sewer Fines', for Commission review and discussion. It included fining for lack of access as assuming an illegal sump pump exists. Butch asked about metering each account, but Carl thought that would be too expensive. Discussion followed about the right of the Commission to cut off sewer service. Troy pointed out that, such as with 37 Graham, we could justify the charge of \$50/day for the cost. Troy also pointed out that we should have information about their right to a hearing on any notice, and the process. He would like us to ask Town Counsel whether we can make an assumption when a resident will not allow building access that an illegal connection exists, and charge \$500/mo., similar to laws supporting the assessors when a resident refuses access. His preference is to get away from the \$50/day. Troy referenced that it is a constitutional right to not have someone search your home without a search warrant, and they are not always granted. Residents would just need to prove they don't have an illegal connection. Carl stated that notification is key. Troy wants to notify lien holders now, as they'd prefer to pay the bills then collect it from the residents since they do not want a blemish on the title. Carl noted he likes the idea of a concise process to follow. Dave asked about doing up a form similar to a ticket, showing the legal information, fines, etc. Troy asked how it would be served, whether it be police, a constable, etc. Carl wants to just get this project done and mailed, and work on the process going forward. Butch asked about checking with counsel but Carl pointed out that we'd had both Weston & Sampson, and Town counsel review our policy. Troy pointed out that suspected illegal connections pay more than actual illegal connections. Carl noted that that is only if they delay – they can solve it quickly and pay only \$200. Carl proposed to proceed in the manner we have, but work in parallel to institute the process Troy put forward. Dave suggested Troy work with counsel. Commission commenced going through the list of outstanding issues to determine course of action. **55 Graham** with owners in California assured us that they do not have a sump pump.

Troy suggested that we send a letter, not certified, that we appreciate them being in contact, understand the issue, but include that once an inspection occurs, if an illegal connection exists, that they will be fined from 7/19 to the date of correction, that they should call when they are back to set up an appointment. With all the letters where we are fining, Troy wants the lien holder copied. Barb stated she had just done up invoices, not letters. Commission discussed and agreed that they'd prefer a letter, but that it includes fines. It should state you have failed to reply, that we've sent 2 letters, left 3 notices at the property, and include the fine of \$50/day, noting that the lien holder is copied, and include a copy of the last letter. Carl continued on the list. **37 Graham** was the next site. He talked with Karen Weller, who walked away from the house 3 years ago. She confirmed that they had had it camera'd and confirmed of the break, that Roto Rooter did it, she'd be happy to let us in, and that they don't know where break is. Carl talked to Jack and his belief is that the best solution for everyone is for us to fix the pipe, (instead of terminate the connection). Karen will give us permission to camera from the inside. Discussion followed about whether the pipe was clay or PVC, the distance of the pipe from house to street, and who has the authority to authorize the work (whether it is the Wellers or the bank). Troy noted there is danger for us to fix it with the liability. We should find the lien holder and include them on the notice. Dave proposed that we just cut off the connection at the street. Commission discussed this option and decided in favor of that option. That way there is no liability to the Town and the new owners will have to repair the line. This is also a Board of Health issue. We would charge a reconnection charge for new owners, which helps us recoup the cost of cutting the pipe. Barb to serve notice to Weller as the legal owner, that you are being disconnected, copy lien holder, with explanation and reference to conversations. The bank may come forward and fix the pipe... Carl will talk to Jack about the change in plans. We will provide 10 days' notice, and need to advise BOH that they are being disconnected. They have 10 days to respond. Carl will close the loop with Jack, checking if there is any issue the Commission is not aware of by terminating this line, since it was his preference to repair the line. Commission continued down the list. Discussion followed on whether to fine those whose issues are resolved or not, and determined that they would not fine those who have resolved issues, or have appointments for inspections set up. Mike stated we should go after the people we have not heard from. Jack will have to keep an eye on those accounts who have redirected their sumps to make sure they don't connect to the sewer again. We'll give the owners of 55 Graham until the 30<sup>th</sup> to arrange for an

inspection, then we will fine. Commission agreed to not send the letters certified, even to the banks, as the assumption is, if they are not sent back, that they are received. We will send fines to the illegal connections that have no appointment.

**Grease Trap Non-compliance** – Commission reviewed the list of non-compliant permittees and discussed sending letters out with the fines, referencing the prior letter sent. Troy was interested in our leverage on victualler's licenses. Barb will send him the emails from last year. Fines for \$50 for non-compliance, then \$25/day backdated to the start of the fiscal year (7/1) were confirmed. Commission reviewed some of the establishments that had not complied with report submission, like Sean Patrick's or Conrad's, and why it is so difficult to get copies. Troy suggested adding it to the regulations that the cleaning firms must submit copies to the Sewer Dept., as other towns do.

**ZBA Hearings – Barb** had 2 hearing notices from the ZBA – **1) September 10, 2014 – 790 Mass Ave.** Commission confirmed that they are on the sewer line with 2 betterments, but not yet connected. The Commissioners reviewed the plan received. Troy doubts the septic could support the gas station. Hearing is on 9/10 and Carl encouraged anyone that could to plan to attend.

**2) September 24, 2014 – Whalom Luxury Apts.** Dave confirmed that the Commission has not agreed to give them any reductions. Carl reviewed that they had offered a reduction in return for installing a grease interceptor which they would maintain. Carl stated that Dick Heaton believed the developers pricing to be flawed, and that it is economically feasible. Carl confirmed with Barb that they have not contacted the office with any more information, nor has counsel contacted Barb for any information regarding Hollis Hills. Troy didn't think an outside grease trap was feasible. Carl has not heard anything further, so we won't pursue that option. Dave noted that whatever is done should be uniformly done for all projects, relating to the Planning Board discussion on storm water. **Dave made the motion that our recommendation to the ZBA is to charge Whalom Luxury Apartments the sewer fees that were in the regulations as of the original application date of September 3, 2008, Troy seconded. Vote taken was unanimous.** Dave added that they will try and make a case on the televised hearing and that the Commission should be prepared.

**Sewer Commission Projects update** – there were no updates in addition to anything previously discussed.

**SWSS** – Commission had the pump station reports for week ending 8/9 and 8/16 and discussed the content, including discrepancies on Francis St with run times between pumps 1 and 2. It was determined we'd ask them in to our next meeting 9/9 to discuss the reports, SCADA, run times, tour of stations. Barb noted that we'd received an estimate for the major generator maintenance for \$9250, but the Commission expects that to be covered under the contract, now that both major and minor repairs are included as of 7/1/14. Jack had made it clear at the last meeting they attended that they needed to get the work done. Carl will verify with Jack and generator maintenance can be discussed on 9/9 as well.

**Minutes from the 8/5/14 Executive Session** had been sent to the Commission for review. Carl asked if there were any discussion. Everyone agreed to the minutes. **Dave made the motion to accept the minutes, Troy seconded. Vote taken was unanimous.** Even though the **Minutes of 8/12** were on the agenda, Barb had not had a chance to finish them.

**BUSINESS MANAGER REPORTS** – Discussion on the **pump station generators** was already covered. Barb had the **invoices** from **Leominster for \$43,364.73** and **Fitchburg \$7524.47** for review. They had come in for the amounts that were expected and were approved. Carl asked again when he could get the comparison of water in to water out. Barb will try and do it. It is a manual process and should be done after a billing. It is hard because Leominster Water and Lunenburg water are on different schedules. Barb will be out on vacation from 8/29 returning 9/8, and the next meeting is 9/9. It was discussed to possibly skip the meeting, but we want SWSS to come in, so we'll keep the date. There were no Commissioners Comments. Carl asked for a motion to adjourn. **Troy made the motion to adjourn, Mike seconded. Vote taken was unanimous. Meeting was adjourned at 9:10pm.**

Respectfully submitted,

Barbara Lefebvre